

# Order

Michigan Supreme Court  
Lansing, Michigan

June 11, 2010

Marilyn Kelly,  
Chief Justice

140296

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

GREGORY J. BOWENS, PAULA M.  
BRIDGES, and GARY A. BROWN,  
Plaintiffs-Appellees,  
and

ROBERT B. DUNLAP and PHILLIP A.  
TALBERT,  
Plaintiffs,

v

SC: 140296  
COA: 282711  
Wayne CC: 02-233251-CZ

ARY, INC., d/b/a AFTERMATH  
ENTERTAINMENT, PHILLIP J.  
ATWELL, CHRONIC 2001 TOURING,  
INC., GERONIMO FILM PRODUCTIONS,  
INC., and ANDRE YOUNG,  
Defendants-Appellants,  
and

AMAZON.COM, INC., AOL TIME WARNER,  
INC., BARNES & NOBLE, INC., BARNES &  
NOBLE.COM, INC., BEST BUY COMPANY,  
INC., BLOCKBUSTER, INC., BORDERS GROUP,  
INC., CDNOW, INC., JOHN DOE #1,  
JOHN DOE #2, EAGLE ROCK  
ENTERTAINMENT, EAGLE VISION, INC.,  
HARMONY HOUSE RECORDS & TAPES,  
HASTINGS ENTERTAINMENT, INC.,  
HMV MEDIA GROUP, HONIGMAN MILLER  
SCHWARTZ & COHN, L.L.P., HOUSE OF  
BLUES CONCERTS/HEWITT/SILVA, L.L.C.,  
INGRAM ENTERTAINMENT HOLDINGS,  
INTERSCOPE RECORDS, INC., ERVIN  
JOHNSON, MAGIC JOHNSON PRODUCTIONS,  
L.L.C., METROPOLITAN ENTERTAINMENT  
GROUP, INC., MGA, INC., MOVIE  
GALLERY.COM, INC., MTS, INC/TOWER  
RECORDS, THE MUSICLAND GROUP, INC.,  
PANAVISION, INC., RADIO EVENTS GROUP,  
INC., RED DISTRIBUTION, INC., PHIL  
ROBINSON, WILLIAM SILVA, TRANS WORLD

ENTERTAINMENT CORPORATION, KIRDIS  
TUCKER, WHEREHOUSE ENTERTAINMENT,  
INC., and WH SMITH, P.L.C.,  
Defendants.

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On order of the Court, the application for leave to appeal the September 24, 2009 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether, as a matter of law, the videotaped conversation in question was a “private conversation” or “private discourse” for purposes of the eavesdropping statutes, MCL 750.539a, *et seq.*; and (2) whether, and under what circumstances, a public-official- or police-plaintiff possesses a reasonable expectation of privacy under MCL 750.539c in conversations with private citizens in pursuit of official business in enforcing state or local laws and ordinances.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 11, 2010

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A handwritten signature in cursive script that reads "Corbin R. Davis".

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Clerk